

Misbranding was alleged for the reason that the statement "1 Pound Net" on the packages was false and misleading in that it represented the packages to contain 1 pound net of the article, and for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package. Misbranding was also alleged with respect to a portion of the article in that the statement "Butter" on the packages was false and misleading, since it represented the article to be butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law; whereas the article did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser.

On November 3, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18885. Adulteration of canned frozen whole eggs. U. S. v. 250 Cans of Frozen Whole Eggs. Decree of condemnation entered. Product released under bond. (F. & D. No. 27026. I. S. No. 36850. S. No. 5236.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On October 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 250 cans of frozen whole eggs, remaining unsold in the original packages at Mobile, Ala., alleging that the article had been shipped by the Atlantic Ice & Coal Co., from Knoxville, Tenn., on or about July 15, 1931, and had been transported from the State of Tennessee into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Keith's Eggs * * * Kaoka Whole Eggs * * * Process and Product Patented H. J. Keith Company, Boston, New York, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On October 9, 1931, the H. J. Keith Co. (Inc.), Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$2,000, said bond being conditioned to the effect that the product should not be used, sold, or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18886. Adulteration of tullibeas. U. S. v. 150 Pounds of Tullibeas. Default decree of destruction entered. (F. & D. No. 26777. I. S. No. 35352. S. No. 4897.)

Samples of tullibeas (fish) from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On July 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 pounds of tullibeas at Kansas City, Mo., alleging that the article had been shipped by D. J. McCarthy from Ranier, Minn., on or about June 1, 1931, and had been transported from the State of Minnesota into the State of Missouri, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid animal substance.

On November 6, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18887. Misbranding of canned tomatoes. U. S. v. 98 Cases, et al., of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27096. I. S. Nos. 37866, 37867. S. No. 5333.)

Examination of samples of canned tomatoes from the shipment herein described having shown that the article fell below the standard promulgated by